

Rec'd PCT/PTO 12 SEP 2006

SEP. 12. 2006 4:03PM

BROWDY AND NEIMARK

NO. 2289 P. 1

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at 571-273-3201 on the date shown below.

Lisa Staley  
Lisa Staley

September 12, 2006  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1642
NIELSEN, et al.	)	Examiner: UNGAR, S.
Serial No.: 09/922,718	)	Washington, D.C.
Filed: August 7, 2001	)	September 12, 2006
For: PAI-1 DETERMINATION AND	)	Docket No.: NIELSEN=2D
AND USE THEREOF	)	Confirmation No.: 9477

COMMUNICATION RE PTO DELAY

Valerie Bell Harris  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Dear Ms. Harris:

Further to our telephone conversation on September 12, we enclose copies of the following:


- (1) the Examiner's August 26, 2003 interview summary record, withdrawing the holding of nonresponsiveness and promising that "an action on the merits will follow";
- (2) our first request for status, filed March 10, 2004;
- (3) the "Courtesy Copy of Office Communication and Request to Correct PAIR Record", faxed May 10, 2005.

USSN - 09/922,718

Despite the foregoing, PAIR still shows the status as "non-final action mailed", when in fact it is the PTO's turn to act.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By:   
David P. Cooper  
Reg. No. 28,005

Enclosures

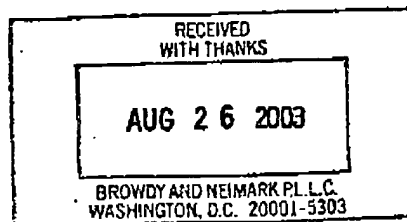
- Interview Summary Record (August 26, 2003)
- request for status, filed March 10, 2004
- the "Courtesy Copy of Office Communication and Request to Correct PAIR Record", faxed May 10, 2005.

624 Ninth Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 628-5197  
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IPC:lms  
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To Iver Cooper  
202-737-3528  
on 09/19/22, 718

From S Ungar  
703-305-2181

2 Pages Including Cover



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SEP. 12. 2006 4:04PM BROWDY AND NEIMARK GP 1800 FAX MACHINE 8 NO. 2289 P. 4 002

<b>Interview Summary</b>	Application No. 09/922,718	Applicant(s) Nielson et al	
	Examiner Ungar	Art Unit 1642	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Ungar (3) \_\_\_\_\_  
 (2) Iver Cooper (4) \_\_\_\_\_

Date of Interview Aug 26, 2003

Type: a) ☐ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy is given to 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: None

Identification of prior art discussed:

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

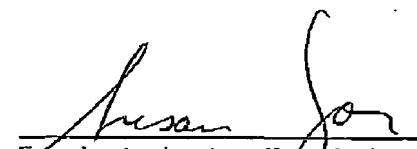
Mr. Cooper called, the response of May 12, 2003 is not non-responsive. Applicant made an effort to respond to each requirement of Paper No. 5. Upon review and reconsideration, it is found that Mr. Cooper is correct and that Applicant has responded to the requirements of Paper No. 5 to the best of his ability. In view of this the nonresponsive finding is withdrawn and an Action on the Merits will follow. It is noted however, that although an election was required, the election of Group 135 was improper because the group specifically states that claims 36, 39 and 53 will be examined as they are drawn to the elected invention. Since the claims are not drawn to the elected invention, they will be withdrawn from consideration.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

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BROWDY AND NEIMARK

NO. 2289 P. 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: NIELSEN=2D

In re Application of:	)	Art Unit: 1645
Lars S. NIELSEN et al	)	Examiner:
Appln. No.: 09/922,718	)	Washington, D.C.
Date Filed or 102(e) date:	)	Confirmation No. 9477
August 7, 2001	)	
For: PAI-1 DETERMINATION AND	)	March 10, 2004
USE THEREOF.	)	

REQUEST FOR STATUS  
RESPONSE TO OFFICE ACTION

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

The last office action in this case was mailed on March 11, 2003. We responded to this office action on May 12, 2003.

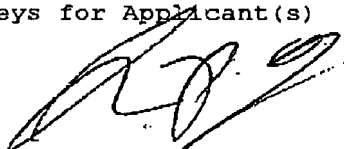
We later filed additional papers, other than in response to the office action, on July 29, 2003.

As almost one year has passed since the date of our response, Applicants hereby respectfully inquire as to the status of the above-identified application and request a written reply.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
Iver P. Cooper  
Registration No. 28,005

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BROWDY AND NEIMARK

NO. 2289 P. 6

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at 571-273-0837 on the date shown below.

Lisa Staley  
Lisa Staley

May 10, 2005  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1642
NIELSEN, et al.	)	Examiner: UNGAR, S.
Serial No.: 09/922,718	)	Washington, D.C.
Filed: August 7, 2001	)	May 10, 2005
For: PAI-1 DETERMINATION AND AND USE THEREOF	)	Docket No.: NIELSEN=2D
	)	Confirmation No.: 9477

COURTESY COPY OF OFFICE COMMUNICATION AND  
REQUEST TO CORRECT PAIR RECORD

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

S i r :

The private PAIR record (copy enclosed) for this case shows the status as "Non Final Action Mailed", status date July 29, 2003.

However, on August 26, 2003, you mailed us an interview summary record (copy enclosed), withdrawing the July 29, 2003 finding of nonresponsiveness, and promising that an action on the merits will follow.

This interview summary record should be listed in PAIR and the status of the case should be "awaiting action by Examiner".

We ask that you make sure the interview summary record is

USSN - 09/922,718

entered and that the PAIR record is corrected.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By: 

Iver P. Cooper  
Reg. No. 28,005

Enclosures

- PAIR report (May 5)
- Interview Summary Record (August 26, 2003)

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